

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

JAMES RUSSELL ILER,	)	
	)	
Plaintiff,	)	Civil Case No. 08-21-KI
	)	
vs.	)	ORDER
	)	
MITCHELL SOUTHWICK, private	)	
capacity, fiduciary trustee, SCOTT W.	)	
IMMOOS, private capacity, fiduciary	)	
trustee, WALTER DILLMAN, accessory	)	
contributor, JOHN DOE I-XX, JANE DOE,	)	
I-XX,	)	
	)	
Defendants.	)	
_____	)	

c/o Constitutional Office of Postmaster for  
James-Russell: Iler, a sovereign  
Domiciled on Patented Land near N 44° 51' by W 117° 14'  
near T8S R45E Sec.20, W.M..  
all near Richland, Oregon de jure  
The United States of America

Pro Se Plaintiff

Kenneth S. Montoya  
City County Insurance Services  
280 Liberty Street, S.E., Suite 206  
Salem, Oregon 97301-3595

Attorney for Defendants

KING, Judge:

Plaintiff petitions for a preliminary injunction to stay the proceedings against him, in particular to stay ruling on the pending motion for summary judgment, until defense counsel serves him with the moving papers addressed in the form plaintiff prefers.

The Court, and defense counsel, face the following conundrum. Plaintiff will only accept delivery of mail sent to the following address:

c/o Constitutional Office of Postmaster for  
James-Russell: Iler, a sovereign  
Domiciled on Patented Land near N 44° 51' by W 117° 14'  
near T8S R45E Sec.20, W.M..  
all near Richland, Oregon de jure  
The United States of America

If the mail contains the postal abbreviation for Oregon—OR—or the zip code for Richland, Oregon—97870—plaintiff will not accept delivery of the mail. But some of the mail the Court has sent to plaintiff using his preferred form of address has been returned to the Court as undeliverable by the U.S. Post Office. See Iler v. Yervasi, No. CV07-1036-KI, (D. Or. Apr. 16 & 18, 2008) (docket entries #25 and #26). Confusing the situation is the fact that the Court's computerized docketing system insists that all parties' mailing addresses use a postal abbreviation and a zip code.

On July 21, 2008, plaintiff sent the Court a letter complaining about the fact that he was not receiving mailings sent from the Court because they had the postal abbreviation and the zip code. The Court entered a minute order<sup>1</sup> on September 2, 2008 stating that it would send all mailings to plaintiff's preferred address, notwithstanding the fact that the docket showed the address incorrectly. The Court is hand addressing all mailings to plaintiff to circumvent the computer problem. The Court is concerned that its mailings may not all get to plaintiff but decided that was a risk plaintiff asked to take.

To insure to the extent possible that plaintiff gets the due process to which he is entitled, the Court now orders defendants to resend the documents connected to the pending summary judgment motion to plaintiff's preferred address, as stated above, by October 3, 2008. The Court notes that defense counsel certified the preferred address in the Certificates of Service but also accepts plaintiff's statement that the package actually was addressed using the postal abbreviation and the zip code. The Court guesses that helpful office staff were trying to correct the address and asks defense counsel to please instruct staff on this point and to use this address for all future mailings.

Plaintiff will have until October 17, 2008 to send his response. Defendants may file a reply by October 31, 2008.

The Court is concerned that mailings coming from Portland will not get to plaintiff with the preferred address form but will try to accommodate plaintiff's wishes. If plaintiff has an

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<sup>1</sup> The Court just noted that the minute order incorrectly stated "Richmond" instead of "Richland" but will rectify the situation.

alternative way to receive documents in this case, such as by fax or email, the Court asks plaintiff to suggest something. The Court hopes that plaintiff receives this order.

Plaintiff's Petition for a Preliminary Injunction is granted in part as explained above.

IT IS SO ORDERED.

Dated this 29th day of September, 2008.

/s/ Garr M. King  
Garr M. King  
United States District Judge